10 Things I Know About… Massachusetts Pay Transparency Requirements

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10) Growing trend. Massachusetts became the 14th state to enact a pay transparency law. The pay range disclosure requirement of the new law became effective on Oct. 29.

9) Applies broadly. Employers with 25 or more employees with a primary place of work in Mass. during the prior calendar year are covered.

8) Pay range disclosure. All job postings, including third-party listings, must include a pay range, defined as the annual salary range or hourly wage range the employer reasonably expects to pay.

7) Access to pay information. Employees must receive the pay range for their own position upon request or when promoted or transferred.

6) Commissions and benefits. If the position's wage is based on piece rate, tips, or commissions, the employer must disclose the range they reasonably expect to pay. Employers are not required to disclose bonuses and other fringe benefits, such as vacation and health insurance.

5) Retaliation. Employers cannot retaliate against employees or applicants for exercising their rights under the law. Employees or applicants have the right to bring a private lawsuit against an employer for retaliation.

4) Penalties increase with repeated violations. A first offense triggers a warning. Fines increase for subsequent violations, and employers with four or more violations could face fines of $7,500 to $25,000. However, for the first two years after the effective date, employers will have two business days to cure any defect before a penalty.

3) Potential increase in claims. Greater access to pay information may lead to more claims under the law, which requires employers to pay



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employees of different genders the same amount if they are performing comparable work.

2) Proactive audits. Employers should review pay practices and be prepared to justify any differences in pay among employees.

1) Justifiable differences are limited. The law only permits differences in pay for comparable work under limited circumstances, including for seniority, a merit system, quantity or quality of production, job location, relevant education, training, or experience, or required travel.

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